

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

GEMSHARES LLC,

Plaintiff,

v.

ARTHUR JOSEPH LIPTON and
SECURED WORLDWIDE, LLC,

Defendants.

Case No. 1:17-cv-06221
Honorable Judge Matthew F. Kennelly

**PLAINTIFF’S RESPONSE TO DEFENDANTS’ ATTORNEYS’ MOTION FOR LEAVE
TO WITHDRAW**

1. Plaintiff and Counterclaim Defendant, GemShares LLC (“GemShares”), respectfully submits this response to the motion of Defendants’ counsel, William Cory Spence, Jason Wejnert and Alok Parikh (“the Spence Firm”) to withdraw as attorneys of record for Defendants Arthur Joseph Lipton (“Lipton”) and Secured Worldwide, LLC (“SWW”) (ECF No. 268.)

2. For those same reasons set forth in GemShares' Response to the Spence Firm's prior motion to limit its appearance (ECF No. 262) GemShares respectfully requests that the Spence Firm's motion be granted only on the conditions that:

a. The case should revert to the Court’s most recent Order regarding SWW’s failure to retain counsel and result in an immediate default final judgment against SWW. (*See* ECF No. 249 (“Unless an appearance is filed by 7/17/2019 for defendant Secured Worldwide, LLC, it will be held in default.”)); and

b. as a precondition to any future attorney appearing on behalf of Lipton in this case, the attorney shall first make a motion requesting to make such appearance, and said motion shall include at least statements under oath by the attorney and Lipton that (i) all financial and other arrangements (through verdict) have been made in advance of such appearance; and (ii) acknowledge that under no circumstances will said attorney be permitted to withdraw from the case for any reason; nor will the requested appearance serve as a basis to delay in any way the schedule in the case. Further, Lipton shall be obligated to provide a copy of the Court's order in that regard to any future attorney he is considering for this case.

3. GemShares submits that these requested conditions of withdrawal are consistent with the Court's instructions during the July 30, 2019 hearing in this matter (*see* Exhibit A¹, 6:4-10 ("I'm just going to tell you right now if you want to file a motion to withdraw, you can. You will have to serve that on Mr. Lipton and Secured Worldwide, and I am not going to extend any further schedules of any kind in any way, shape, or form by even a nanosecond").)

4. GemShares also notes that consistent with these instructions, the Spence Firm has submitted a Declaration from Lipton showing that Defendants have been advised of the consequences of the Spence Firm's withdrawal. (*See* ECF No. 268-2, ¶4 ("I have been informed by counsel that the Court will not extend any future schedules and/or deadlines.").)

Dated: August 2, 2019 Respectfully submitted,

/s/ Mitchell S. Chaban
Mitchell S. Chaban (ARDC No. 6226667)
LEVIN GINSBURG
180 North LaSalle Street, Suite 3200
Chicago, Illinois 60601
Telephone: 312-368-0100

¹ The Exhibit cited herein is attached to the Declaration of Christine A. Gaddis submitted herewith.

David E. De Lorenzi
Christopher H. Strate
Christine A. Gaddis

GIBBONS P.C.
One Gateway Center
Newark, New Jersey 07102
Tel: 973-596-4500
Fax: 973-639-6235
Attorneys for Plaintiff
GemShares LLC

CERTIFICATE OF SERVICE

I, Mitchell S. Chaban, hereby certify that I filed and served **PLAINTIFF'S RESPONSE TO DEFENDANTS' ATTORNEYS' MOTION FOR LEAVE TO WITHDRAW** via the Northern District of Illinois' Electronic Filing System upon the following this 2nd day of August, 2019.

/s/ Mitchell S. Chaban

Mitchell S. Chaban

William C. Spence
Alok A. Parikh
Jason M. Wejnert
SpencePC
515 N. State Street
Chicago, Illinois 60654
docketing@spencepc.com
alok.parikh@spencepc.com
Jason.wejnert@spencepc.com

*Attorneys for Defendants Arthur Joseph Lipton and
Secured Worldwide, LLC*